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January 14, 2016

Honorable Charles R. Breyer
United States District Judge
Northern District of California
Courtroom 6, 17th Floor
450 Golden Gate Avenue
San Francisco, California 94102

*Re: Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Litigation,
15-MD-2672 (CRB)*

Dear Judge Breyer:

While a formidable pool of attorneys has applied for lead counsel and steering committee positions, I respectfully submit that, for the reasons explained in my earlier letter, consumers here could have no better advocates for their cause than me, and my firm. A review of the letters submitted to Your Honor confirms that no other applicant matches the objective breadth and depth of resources and proven results that we offer—including over \$47 billion in recoveries on behalf of plaintiffs. No other applicant offers well-established offices on the ground in Germany, with a six-year track record of litigation victories in three major German cities and litigators renowned and highly recognized in Germany for their prowess. Nor does any applicant offer the critical white collar resources that we do (including former Seattle U.S. Attorney Jenny Durkan, who worked extensively on Clean Air Act policy and cases and helped lead a number of DOJ nationwide initiatives during her recently-concluded government tenure). We have broad experience in auto industry litigation, and the ability to bring a 360° perspective to settlement discussions because of our deep experience on both sides of the "v" (including my personal involvement in securing from VW a \$1 billion settlement on behalf our client General Motors). Nor do I believe any other attorney surpasses my personal commitment to right the wrongs at issue here. I am fully committed to this case and pledge to the Court, and to consumers, that I will not seek a lead role in any other MDL while these proceedings continue.

We regularly are chosen by some of the most demanding clients in the world (including Google, IBM, General Motors, Coca-Cola, Colgate-Palmolive, Morgan Stanley, and many others) to represent them in their most challenging cases. These are clients who could choose any law firm to represent them. We respectfully submit that consumers should have the same opportunity in a case where there is so much at stake.

The FJC's Pocket Guide for Transferee Judges recognizes the value of "new perspectives" from those outside the usual group of MDL counsel. (*See* p.13.) I believe the innovative approach we

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bring to this matter is evidenced by our understanding, from the outset, that VW likely would not or could not offer consumers timely, meaningful relief. This prediction proved accurate when the government this week rejected VW's proposed technical remedy. Anticipating this scenario, we sought a preliminary injunction advocating a buyback as the fair interim remedy for those consumers not satisfied to continue as forced polluters. Media and public opinion calls for a buyback now have coalesced into a drumbeat and the approach we advocated may contribute to an early resolution for consumers.

In the event VW chooses to fight hard to limit its liability and consumers' access to full and complete justice, rather than to resolve this matter expeditiously, we offer several unique resources to consumers. First, our firm has more lawyers—including more with class action experience—than any other applicant. Our bench also includes 122 lawyers with technical degrees who will be able to understand and dissect any technical defenses VW proffers.

Second, having reviewed the submissions to the Court, it is apparent that our firm's German capability is singular among the applicants. The relative capabilities of our German partners have been widely recognized in Germany itself, as highlighted in my previous letter. The importance of this considerable resource has increasingly come to the fore. Volkswagen has now declared it intends to use German law to shield production of email evidence for this case. Dr. Nadine Hermann, the highly successful litigator and head of our Hamburg office, and the rest of the QE team in Germany, already are preparing to meet that challenge.

Third, no other applicant can draw on motion and appellate resources comparable to Kathleen Sullivan and her group. This case will implicate challenging legal issues, and Ms. Sullivan's involvement will ensure the Court that consumers will have the best legal minds and writers representing them. In recognition of her extraordinary talents and widespread admiration in the nationwide legal community, Ms. Sullivan is a name partner in our firm, and we are very proud to say we are the first (and still only) AmLaw 100 firm with a woman lawyer on our marquee.

Although this case presents a nationwide problem (really an international one) with no decisive geographic components, some applicants have suggested a need for geographic diversity. The team we have assembled for this case includes lawyers from California (Northern and Southern), Illinois, Washington D.C., New York, and Germany (and we also have well-established domestic offices in Texas and Seattle).

Our firm has built its reputation on its ability to win high-stakes cases against the most formidable adversaries—and to leverage that reputation and skill to forge compelling settlements before trial when possible. This is such a high-stakes case. If I am selected to lead this case, consumers will know they have the strongest possible individual advocate, backed by a firm with a proven track record of extraordinary success. I look forward to working with the diverse group of accomplished, strong-minded, and committed lawyers who have brought these cases to forge the very best result for the class.

Very truly yours,

/s/ John B. Quinn

John B. Quinn